

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-486-RJC
(3:17-cr-55-RJC-DCK-3)**

BRYAN PERALTA,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on Petitioner's pro se Motion for Copies of Relevant Documents and Transcripts. (Doc. No. 6). In support, Petitioner states that "in order for [Petitioner] to file a traverse/reply to the United State's response [to Petitioner's motion to vacate], he will need copies of the[] documents and or transcripts referenced in the [Government's] responsive pleading." (Id. at 1).

Petitioner filed the underlying motion to vacate on September 5, 2018, and this Court denied and dismissed the motion to vacate on November 28, 2018, before Petitioner's current motion was received in this Court for filing. See (Doc. Nos. 1, 4). Because this action has already been dismissed, Motion for Copies of Relevant Documents and Transcripts, (Doc. No. 6), will be **DENIED** as moot.¹

¹ Furthermore, the Court notes that a Section 2255 petitioner does not have the absolute right to file a Reply to a Response by the Government. See Molina v. United States, No. W-09-CR-216(3), 2013 WL 12234022, at *1 (W.D. Tex. July 26, 2013) ("While Rule 5(d) of the Rules Government § 2255 Proceedings for the United States District Court permits a petitioner to file a reply brief, no court has held that Rule 5(d) gives a Movant an absolute right to file a reply before the Court rules on the Movant's § 2255.").

Signed: December 14, 2018

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

